

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

NICHOLAS SMITH

Plaintiff

V.

FEDERAL BUREAU OF PRISONS,  
ET AL.

## Defendants



Civil Action No. 5:20-CV-69-RWS

## ORDER

This case was severed into an individual civil rights lawsuit from a larger suit filed by 17 inmates. Docket No. 1. At that time, Plaintiff was ordered to (1) file his own complaint in this new action and (2) pay the filing fee or submit an application to proceed *in forma pauperis*. *Id.* at 3. Plaintiff, however, failed to respond in any way to this order, and the Magistrate Judge issued a report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 4.

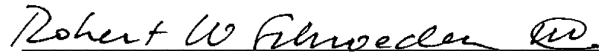
Plaintiff received a copy of this Report but filed no objections or otherwise contacted the Court. Docket No. 5. Because Plaintiff filed no objections to the report, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc). The Court has reviewed the pleadings and Magistrate Judge’s report. Upon its review, the Court has determined the Magistrate Judge is correct. Accordingly, it is

**ORDERED** that the report of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the Court. It is further

**ORDERED** that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

**ORDERED** that any and all motions which may be pending in this civil action are **DENIED-AS-MOOT**.

So **ORDERED** and **SIGNED** this 11th day of January, 2023.

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE